FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.2004 OF 2005

Office notes, office Memoranda of Coram, appearances, Court's orders or directions & Registrar's orders.	Court's or Judge's Orders

Ms. Dharmadhikari h/f. Mr. Uday Warunjikar for the petitioner.

Ms. P.H. Kantharia, A.P.P. for the State.

CORAM: SMT. RANJANA DESAI & ANOOP V. MOHTA, JJ.

DATED: 5TH OCTOBER, 2005.

P.C.:-

The petitioner has prayed that the investigation of C.R. No.335 of 2005 registered at Kothurd Police Station dated 6/6/2005 for the offence punishable under sections 379, 468, 471, 420 and 511 of the Indian Penal Code be transferred to C.I.D., Maharashtra State at Pune.

I have heard Ms. Dharmadhikari, the learned counsel for the

petitioner. She contended that it is the petitioner's case that the cheque books kept in the drawer of his office table have been stolen by the accused and the accused have forged the petitioner's signature and tried to withdraw money from the bank. The learned counsel contended that though the complaint is lodged as far back as on 6/6/2005, the police have not taken any steps. She states that the police are hand-in-glove with the accused. They have not arrested the accused and, therefore, the investigation be transferred.

We do not find any substance in this submission. Ms. Kantharia, the learned A.P.P. appearing for the State informed the court that the accused have obtained anticipatory bail from the sessions court at Pune. If the sessions court at Pune had granted anticipatory bail to the accused, the police can certainly not arrest the accused. Ms. Kantharia also points out that the accused have filed complaints against the

petitioner under section 138 of the Negotiable Instruments Act and the cases are pending before the Judicial Magistrate, First Class, Pune and Satara. It is only after the accused filed these complaints that the present petitioner has come out with a case that his cheque books were lost.

We do not want to express any opinion on this aspect of the matter but having considered the present case in its proper perspective, we do not feel that the investigation should be transferred to the C.I.D. Maharashtra State at Pune. We hope and trust that the police will conduct the investigation properly. The petition is dismissed.

(SMT. RANJANA DESAI, J.)

(ANOOP V. MOHTA)